

REMARKS

Claims 1-49 are pending in the application, with claims 1, 19, 30, 35 and 42 being in independent form.

Allowable Subject Matter

Applicants appreciate the indication that dependent claims 13, 17, 28, 31, 32, and 36-39 would be allowable if placed in independent form.

Claim Rejections Under 35 USC 103

Each of the pending independent claims 1, 19, 30, 35, and 42, as well as dependent claims 2-4 and 22-24, were rejected under 35 USC 103 as purportedly unpatentable over "Winzer et. al., Return-to-Zero Modulator Using a Single NRZ Drive Signal and an Optical Delay Interferometer, IEEE 2001" (hereinafter the "Winzer IEEE reference") in view of Ono et. al., US 6,097,525. Claims 5-12, 14-16, 18, 20-21, 25-27, 29, 33-34, 40-41, and 43-49 were rejected as purportedly unpatentable over the Winzer IEEE reference in view of Ono and further in view of Kou, US 6,046,838.

However, it is respectfully pointed out that the Winzer IEEE reference, which is the primary reference cited against each pending claim, is not prior art. On its face, the Winzer IEEE reference indicates a manuscript receipt date of July 9, 2001, which is subsequent to the June 13, 2001 filing date of U.S. Provisional Application 60/297,882, the benefit of which this application claims under 35 U.S.C. 119(e).

The remaining references, taken singly or in combination, do not disclose or suggest the claimed invention as set forth in the claims.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 19, 30, 35 and 42, and the claims depending therefrom, are patentable over the cited art.

In addition, attached as Exhibit A hereto is a Form PTO-1449 on which is listed U.S. Patent Application Publication No. 2003/0007231 A1 (Winzer), published January 9, 2003. The Winzer reference is brought to the attention of the Examiner but is believed not to be prior art to this application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

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